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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,866	02/09/2004	Yuichi Yoshida	SAS2-PT068	1505
3624	7590	07/13/2007	EXAMINER	
VOLPE AND KOENIG, P.C.			OSORIO, RICARDO	
UNITED PLAZA, SUITE 1600				
30 SOUTH 17TH STREET			ART UNIT	PAPER NUMBER
PHILADELPHIA, PA 19103			2629	
			MAIL DATE	DELIVERY MODE
			07/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/775,866

Applicant(s)

YOSHIDA ET AL.

Examiner

RICARDO L. OSORIO

Art Unit

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 3,6 and 10-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,19,23 and 24 is/are rejected.
- 7) ☒ Claim(s) 2,4,5,7-9 and 20-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/9/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Species I, claims 1, 2, 4, 5, 7-9, and 19-24 in the reply filed on 4/17/2007 is acknowledged.
2. Claims 3, 6, and 10-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse, as stated above.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 19, 23, and 24 are rejected under 35 U.S.C. 102(a) as being anticipated by Tsuruoka (US 2002/0122068).

Regarding claims 1, 19, 23, and 24 (examiner considers this claims overly broad), Tsuruoka discloses an image display device for displaying an image to viewers, comprising: an application state detecting unit configured to detect the operating state of predetermined application software (paragraph 10, lines 2-4); a first display unit configured to display the image (see paragraph 10, lines 5. Although not specifically mentioned, it is inherent that the image to be displayed will be displayed in a display unit); and a control unit configured to control whether to operate the first display unit or not in accordance with the operating state detected by the application state detecting unit (paragraph 10, lines 4-7).

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***Allowable Subject Matter***

5. Claims 2, 4, 5, 7-9, and 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claims 2, 4, 5, 7-9, and 20-22 are indicated as allowable since certain key features of the claimed invention are not taught or fairly suggested by the prior art. In claims 2 and 20, "the operating state which the application state detecting unit detects includes the starting state of the application software, and when the start of the application software is detected by the application state detecting unit, the control unit sets the first display unit to a state where it is permitted to display an image associated with the application software". In claims 5 and 21, "the application state detecting unit detects includes the stopping operation state of the application software, and when the stopping operation of the application software is detected by the application state detecting unit, the control unit sets the first display unit to a state where it is not permitted to display an image associated with the application software". In claims 7 and 22, "the operating state which the application state detecting unit detects includes the entire-screen display state of a window associated with the application software, and when the entire-screen display state of the window associated with the application software is detected by the application state detecting unit, the control unit sets the first display unit to a state where it is permitted to display an image associated with the started application software on an entire-screen display basis". The closest prior art of record however singularly or in combination fails to anticipate or render the above underlined limitations obvious.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricardo L. Osorio whose telephone number is 571-272-7676. The examiner can normally be reached on Monday through Thursday from 7:00 A.M. to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala whose telephone number is 571-272-7681.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: 571-273-8300 (for Technology Center 2600 only)

Hand-delivered responses should be brought to the Customer Service Window at the Randolph Building, 401, Dulany Street, Alexandria, VA 22314.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RICARDO OSORIO  
PRIMARY EXAMINER

Technology Division: 2629

RLO  
July 8, 2007